PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4870) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO THE BILL (H.R. 3230) MAKING CONTINUING **APPROPRIATIONS DURING** GOVERNMENT SHUTDOWN TO PROVIDE PAY AND ALLOWANCES TO **MEMBERS** OF THE RESERVE COMPONENTS OF THE ARMED FORCES WHO PERFORM INACTIVE-DUTY TRAINING DURING SUCH PERIOD

June 17, 2014.—Referred to the House Calendar and ordered to be printed.

MR. NUGENT, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res.__]

The Committee on Rules, having had under consideration House Resolution____, by a record vote of 9 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4870, the Department of Defense Appropriations Act, 2015, under a modified-open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that after general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment: (1) amendments shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment; and (2) no pro forma amendment shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma

amendments each at any point for the purpose of debate. Under the Rules of the House the bill shall be read for amendment by paragraph. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for the consideration of the Senate amendments to H.R. 3230. The resolution makes in order a single motion offered by the chair of the Committee on Veterans' Affairs or his designee that the House concur in the Senate title amendment and concur in the Senate amendment to the text with the amendment printed in this report. The resolution waives all points of order against consideration of the motion; provides that the motion is not subject to a demand for division of the question; and provides that the motion is not subject to a question of consideration. The resolution provides that the Senate amendments and the motion shall be considered as read. The resolution provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. resolution provides that if the motion is adopted, the chair of the Committee on Veterans Affairs' or his designee is then authorized to move that the House insist on its amendment to the Senate amendment to the text and request a conference with the Senate thereon.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4870 includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations from being considered in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members, and section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee.

The resolution includes a waiver of points of order against provisions in H.R. 4870 for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. The waiver is necessary because the bill contains unauthorized appropriations and legislative provisions included in the bill.

Although the resolution waives all points of order against consideration of the motion to concur in the Senate title amendment and to concur in the Senate amendment to the text of H.R. 3230, with the amendment printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 141

Motion by Mr. Bishop of Utah to report the rule Adopted: 9-3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea	Mr. Polis	
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO THE TEXT OF H.R. 3230

Includes the text of H.R. 4810 and H.R. 4031, as passed by the House, with a modification.

TEXT OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO THE TEXT OF H.R. 3230

AMENDMENT TO SENATE AMENDMENT TO H.R. 3230

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "Veteran Access to Care
- 3 Act of 2014".
- 4 SEC. 2. PROVISION OF HOSPITAL CARE AND MEDICAL
- 5 SERVICES AT NON-DEPARTMENT OF VET-
- 6 ERANS AFFAIRS FACILITIES FOR DEPART-
- 7 MENT OF VETERANS AFFAIRS PATIENTS
- 8 WITH EXTENDED WAITING TIMES FOR AP-
- 9 POINTMENTS AT DEPARTMENT FACILITIES.
- 10 (a) IN GENERAL.—As authorized by section 1710 of
- 11 title 38, United States Code, the Secretary of Veterans
- 12 Affairs (in this Act referred to as the "Secretary") shall
- 13 enter into contracts with such non-Department facilities
- 14 as may be necessary in order to furnish hospital care and
- 15 medical services to covered veterans who are eligible for
- 16 such care and services under chapter 17 of title 38, United
- 17 States Code. To the greatest extent possible, the Secretary

1	shall carry out this section using contracts entered into
2	before the date of the enactment of this Act.
3	(b) COVERED VETERANS.—For purposes of this sec-
4	tion, the term "covered veteran" means a veteran—
5	(1) who is enrolled in the patient enrollment
6	system under section 1705 of title 38, United States
7	Code ;
8	(2) who—
9	(A) has waited longer than the wait-time
10	goals of the Veterans Health Administration (as
11	of June 1, 2014) for an appointment for hos-
12	pital care or medical services in a facility of the
13	Department;
14	(B) has been notified by a facility of the
15	Department that an appointment for hospital
16	care or medical services is not available within
17	such wait-time goals; or
18	(C) resides more than 40 miles from the
19	medical facility of the Department of Veterans
20	Affairs, including a community-based outpatient
21	clinic, that is closest to the residence of the vet-
22	eran; and
23	(3) who makes an election to receive such care
24	or services in a non-Department facility.

1	(c) FOLLOW-UP CARE.—In carrying out this section,
2	the Secretary shall ensure that, at the election of a covered
3	veteran who receives hospital care or medical services at
4	a non-Department facility in an episode of care under this
5	section, the veteran receives such hospital care and med-
6	ical services at such non-Department facility through the
7	completion of the episode of care (but for a period not
8	exceeding 60 days), including all specialty and ancillary
9	services deemed necessary as part of the treatment rec-
10	ommended in the course of such hospital care or medical
11	services.
12	(d) REPORT.—The Secretary shall submit to Con-
13	gress a quarterly report on hospital care and medical serv-
14	ices furnished pursuant to this section. Such report shall
15	include information, for the quarter covered by the report,
16	regarding—
17	(1) the number of veterans who received care or
18	services at non-Department facilities pursuant to
19	this section;
20	(2) the number of veterans who were eligible to
21	receive care or services pursuant to this section but
22	who elected to continue waiting for an appointment
23	at a Department facility;
24	(3) the purchase methods used to provide the
25	care and services at non-Department facilities, in-

1	cluding the rate of payment for individual authoriza-
2	tions for such care and services; and
3	(4) any other matters the Secretary determines
4	appropriate.
5	(e) DEFINITIONS.—For purposes of this section, the
6	terms "facilities of the Department", "non-Department
7	facilities", "hospital care", and "medical services" have
8	the meanings given such terms in section 1701 of title 38,
9	United States Code.
10	(f) Implementation.—The Secretary shall begin
1	implementing this section on the date of the enactment
12	of this Act.
13	(g) CONSTRUCTION.—Nothing in this section shall be
14	construed to authorize payment for care or services not
15	otherwise covered under chapter 17 of title 38, United
16	States Code.
17	(h) TERMINATION.—The authority of the Secretary
18	under this section shall terminate with respect to any hos-
19	pital care or medical services furnished after the end of
20	the 2-year period beginning on the date of the enactment
21	of this Act, except that in the case of an episode of care
22	for which hospital care or medical services is furnished in
23	a non-Department facility pursuant to this section before
24	the end of such period, such termination shall not apply
25	to such care and services furnished during the remainder

1	of such episode of care but not to exceed a period of 60
2	days.
3	SEC. 3. EXPANDED ACCESS TO HOSPITAL CARE AND MED-
4	ICAL SERVICES.
5	(a) In General.—To the extent that appropriations
6	are available for the Veterans Health Administration of
7	the Department of Veterans Affairs for medical services,
8	to the extent that the Secretary of Veterans Affairs is un-
9	able to provide access, within the wait-time goals of the
10	Veterans Health Administration (as of June 1, 2014), to
11	hospital care or medical services to a covered veteran who
12	is eligible for such care or services under chapter 17 of
13	title 38, United States Code, under contracts described in
14	section 2, the Secretary shall reimburse any non-Depart-
15	ment facility with which the Secretary has not entered into
16	a contract to furnish hospital care or medical services for
17	furnishing such hospital care or medical services to such
18	veteran, if the veteran elects to receive such care or serv-
19	ices from the non-Department facility. The Secretary shall
20	reimburse the facility for the care or services furnished
21	to the veteran at the greatest of the following rates:
22	(1) VA PAYMENT RATE.—The rate of reim-
23	bursement for such care or services established by
24	the Secretary of Veterans Affairs.

1	(2) Medicare payment rate.—The payment
2	rate for such care or services or comparable care or
3	services under the Medicare program under title
4	XVIII of the Social Security Act.
5	(3) TRICARE PAYMENT RATE.—The reim-
6	bursement rate for such care or services furnished to
7	a member of the Armed Forces under chapter 55 of
8	title 10, United States Code.
9	(b) COVERED VETERANS.—For purposes of this sec-
10	tion, the term "covered veteran" means a veteran—
11	(1) who is enrolled in the patient enrollment
12	system under section 1705 of title 38, United States
13	Code; and
14	(2) who—
15	(A) has waited longer than the wait-time
16	goals of the Veterans Health Administration (as
17	of June 1, 2014) for an appointment for hos-
18	pital care or medical services in a facility of the
19	Department;
20	(B) has been notified by a facility of the
21	Department that an appointment for hospital
22	care or medical services is not available within
23	such wait-time goals after the date for which
24	the veteran requests the appointment; or

1	(C) who resides more than 40 miles from
2	the medical facility of the Department of Vet-
3	erans Affairs, including a community-based out-
4	patient clinic, that is closest to the residence of
5	the veteran.
6	(c) Definitions.—For purposes of this section, the
7	terms "facilities of the Department", "non-Department
8	facilities", "hospital care", and "medical services" have
9	the meanings given such terms in section 1701 of title 38,
10	United States Code.
11	(d) Implementation.—The Secretary shall begin
12	implementing this section on the date of the enactment
13	of this Act.
14	(e) Construction.—Nothing in this section shall be
15	construed to authorize payment for care or services not
16	otherwise covered under chapter 17 of title 38, United
17	States Code.
18	(f) TERMINATION.—The authority of the Secretary
19	under this section shall terminate with respect to care or
20	services furnished after the date that is 2 years after the
21	date of the enactment of this Act.
22	SEC. 4. INDEPENDENT ASSESSMENT OF VETERANS HEALTH
23	ADMINISTRATION PERFORMANCE.
24	(a) Independent Assessment Required.—Not
25	later than 120 days after the date of the enactment of

1	this Act, the Secretary of Veterans Affairs shall enter into
2	a contract or contracts with a private sector entity or enti-
3	ties with experience in the delivery systems of the Veterans
4	Health Administration and the private sector and in
5	health care management to conduct an independent as-
6	sessment of hospital care and medical services furnished
7	in medical facilities of the Department of Veterans Af-
8	fairs. Such assessment shall address each of the following:
9	(1) The current and projected demographics
10	and unique care needs of the patient population
11	served by the Department of Veterans Affairs.
12	(2) The current and projected health care capa-
13	bilities and resources of the Department, including
14	hospital care and medical services furnished by non-
15	Department facilities under contract with the De-
16	partment, to provide timely and accessible care to el-
17	igible veterans.
18	(3) The authorities and mechanisms under
19	which the Secretary may furnish hospital care and
20	medical services at non-Department facilities, includ-
21	ing an assessment of whether the Secretary should
22	have the authority to furnish such care and services
23	at such facilities through the completion of episodes
24	of care.

1	(4) The appropriate system-wide access stand-
2	ard applicable to hospital care and medical services
3	furnished by and through the Department of Vet-
4	erans Affairs and recommendations relating to ac-
5	cess standards specific to individual specialties and
6	standards for post-care rehabilitation.
7	(5) The current organization, processes, and
8	tools used to support clinical staffing and docu-
9	mentation.
10	(6) The staffing levels and productivity stand-
11	ards, including a comparison with industry perform-
12	ance percentiles.
13	(7) Information technology strategies of the
14	Veterans Health Administration, including an identi-
15	fication of technology weaknesses and opportunities,
16	especially as they apply to clinical documentation of
17	hospital care and medical services provided in non-
18	Department facilities.
19	(8) Business processes of the Veterans Health
20	Administration, including non-Department care, in-
21	surance identification, third-party revenue collection,
22	and vendor reimbursement.
23	(b) Assessment Outcomes.—The assessment con-
24	ducted pursuant to subsection (a) shall include the fol-
25	lowing:

1	(1) An identification of improvement areas out-
2	lined both qualitatively and quantitatively, taking
3	into consideration Department of Veterans Affairs
4	directives and industry benchmarks from outside the
5	Federal Government.
6	(2) Recommendations for how to address the
7	improvement areas identified under paragraph (1)
8	relating to structure, accountability, process
9	changes, technology, and other relevant drivers of
10	performance.
11	(3) The business case associated with making
12	the improvements and recommendations identified in
13	paragraphs (1) and (2).
14	(4) Findings and supporting analysis on how
15	credible conclusions were established.
16	(c) PROGRAM INTEGRATOR.—If the Secretary enters
17	into contracts with more than one private sector entity
18	under subsection (a), the Secretary shall designate one
19	such entity as the program integrator. The program inte-
20	grator shall be responsible for coordinating the outcomes
21	of the assessments conducted by the private entities pur-
22	suant to such contracts.
23	(d) Submittal of Reports to Congress.—
24	(1) Report on independent assessment.—
25	Not later than 10 months after entering into the

1	contract under subsection (a), the Secretary shall
2	submit to the Committees on Veterans' Affairs of
3	the Senate and House of Representatives the find-
4	ings and recommendations of the independent as-
5	sessment required by such subsection.
6	(2) REPORT ON VA ACTION PLAN TO IMPLE-
7	MENT RECOMMENDATIONS IN ASSESSMENT.—Not
8	later than 120 days after the date of submission of
9	the report under paragraph (1), the Secretary shall
10	submit to such Committees on the Secretary's re-
11	sponse to the findings of the assessment and shall
12	include an action plan, including a timeline, for fully
13	implementing the recommendations of the assess-
14	ment.
15	SEC. 5. LIMITATION ON AWARDS AND BONUSES TO EM-
16	PLOYEES OF DEPARTMENT OF VETERANS AF-
17	FAIRS.
18	For each of fiscal years 2014 through 2016, the Sec-
19	retary of Veterans Affairs may not pay awards or bonuses
20	under chapter 45 or 53 of title 5, United States Code,
21	or any other awards or bonuses authorized under such
22	title.

1	SEC. 6. OMB ESTIMATE OF BUDGETARY EFFECTS AND
2	NEEDED TRANSFER AUTHORITY.
3	Not later than 30 days after the date of the enact-
4	ment of this Act, the Director of the Office of Manage-
5	ment and Budget shall transmit to the Committees on Ap-
6	propriations, the Budget, and Veterans' Affairs of the
7	House of Representatives and of the Senate—
8	(1) an estimate of the budgetary effects of sec-
9	tions 2 and 3;
10	(2) any transfer authority needed to utilize the
11	savings from section 5 to satisfy such budgetary ef-
12	fects; and
13	(3) if necessary, a request for any additional
14	budgetary resources, or transfers or reprogramming
15	of existing budgetary resources, necessary to provide
16	funding for sections 2 and 3.
17	SEC. 7. REMOVAL OF SENIOR EXECUTIVE SERVICE EM-
18	PLOYEES OF THE DEPARTMENT OF VET-
19	ERANS AFFAIRS FOR PERFORMANCE.
20	(a) In General.—Chapter 7 of title 38, United
21	States Code, is amended by adding at the end the fol-
22	lowing new section:
23	"§ 713. Senior Executive Service: removal based on
24	performance
25	"(a) IN GENERAL.—Notwithstanding any other pro-
26	vision of law, the Secretary may remove any individual

- 1 from the Senior Executive Service if the Secretary deter-
- 2 mines the performance of the individual warrants such re-
- 3 moval. If the Secretary so removes such an individual, the
- 4 Secretary may—
- 5 "(1) remove the individual from Federal serv-
- 6 ice; or
- 7 "(2) transfer the individual to a General Sched-
- 8 ule position at any grade of the General Schedule
- 9 the Secretary determines appropriate.
- 10 "(b) NOTICE TO CONGRESS.—Not later than 30 days
- 11 after removing an individual from the Senior Executive
- 12 Service under paragraph (1), the Secretary shall submit
- 13 to the Committees on Veterans' Affairs of the Senate and
- 14 House of Representatives notice in writing of such removal
- 15 and the reason for such removal.
- 16 "(c) Manner of Removal.—A removal under this
- 17 section shall be done in the same manner as the removal
- 18 of a professional staff member employed by a Member of
- 19 Congress.".
- 20 (b) CLERICAL AMENDMENT.—The table of sections
- 21 at the beginning of such chapter is amended by adding
- 22 at the end the following new item:
 - "713. Senior Executive Service: removal based on performance.".
- 23 SEC. 8. BUDGETARY EFFECTS OF ACT.
- 24 The budgetary effects of this Act, for the purpose of
- 25 complying with the Statutory Pay-As-You-Go-Act of 2010,

- 1 shall be determined by reference to the latest statement
- 2 titled "Budgetary Effects of PAYGO Legislation" for this
- 3 Act, submitted for printing in the Congressional Record
- 4 by the Chairman of the House Budget Committee, pro-
- 5 vided that such statement has been submitted prior to the
- 6 vote on passage.

